

MICHAEL A. JACOBS (CA SBN 111664)
MJacobs@mofo.com
ARTURO J. GONZÁLEZ (CA SBN 121490)
AGonzález@mofo.com
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Tel: 415.268.7000 / Fax: 415.268.7522

KAREN L. DUNN (*Pro Hac Vice*)
kdunn@bsfllp.com
HAMISH P.M. HUME (*Pro Hac Vice*)
hhume@bsfllp.com
BOIES SCHILLER FLEXNER LLP
1401 New York Avenue, N.W.
Washington DC 20005
Tel: 202.237.2727 / Fax: 202.237.6131

WILLIAM CARMODY (*Pro Hac Vice*)
bcarmody@susmangodfrey.com
SHAWN RABIN (*Pro Hac Vice*)
srabin@SusmanGodfrey.com
SUSMAN GODFREY
1301 Avenue of the Americas, 32nd Floor
New York, NY 10019-6023
Tel: 212.336.8330 / Fax: 212.336.8340

Attorneys for Defendants
UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF
MICHELLE YANG IN SUPPORT OF
PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL ITS MOTION
FOR LEAVE TO FILE AMENDED
LIST OF ELECTED TRADE
SECRETS, AMENDED COMPLAINT,
SUPPLEMENTAL EXPERT
REPORTS, AND REVISED WITNESS
AND EXHIBIT LISTS (DKT. 2057)**

1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this
3 declaration based upon matters within my own personal knowledge and if called as a witness, I
4 could and would competently testify to the matters set forth herein. I make this declaration in
5 support of Plaintiff Waymo LLC's Administrative Motion to File Under Seal Its Motion for
6 Leave to File Amended List of Elected Trade Secrets, Amended Complaint, Supplemental Expert
7 Reports, and Revised Witness and Exhibit Lists (Dkt. 2057).

8 2. I have reviewed the following documents and confirmed that only the portions
9 identified below merit sealing:

Document	Portions to Be Filed Under Seal
Exhibits 1, 6, 18, 22-23, 25, 28-29, 33 (Dkt. 2061)	Entire Documents

13
14 3. Exhibit 1 is the supplemental expert report of Waymo expert Dr. Lambertus
15 Hesselink and contains highly confidential technical information relating to financial terms of a
16 business agreement. Exhibit 22 is the supplemental expert report of Waymo expert Michael J.
17 Wagner and contains highly confidential information relating to financial forecasts based on
18 hypothetical assumptions. Exhibits 28 and 29 are employment agreements that contain highly
19 confidential compensation information and employment terms. This information is maintained as
20 confidential. Disclosure of this information could allow Defendants' competitors to gain insight
21 into terms offered by Defendants or financial forecasts based on hypothetical assumptions, such
22 that they can tailor their own offers or forecasts and Defendants' competitive standing would be
23 harmed.

24 4. Exhibits 6 and 18 contain contact information, including personal email addresses
25 and phone numbers, of current and former company employees, whose electronic
26 communications may become compromised if this information were disclosed to the public.
27 Defendants seek to seal this information in order to protect the privacy of these individuals
28

1 because this lawsuit is currently the subject of extensive media coverage. Disclosure of this
2 information could expose these individuals to harm or harassment.

3 5. Exhibit 23 is the expert report of Waymo expert Dr. Martin Rinard and contains
4 highly confidential information relating to technical features of Ottomotto source code.
5 Exhibit 33 contains details about technical features relating to Ottomotto source code. The
6 confidentiality of this information has been maintained. Disclosure of this information could
7 allow competitors to obtain a competitive advantage over Defendants by giving them insight into
8 the development of Ottomotto source code, such that they could tailor their own software
9 development.

10 6. Certain portions of Exhibit 23 contain highly confidential technical information
11 considered by an Ottomotto software engineer. Disclosure of this information could allow
12 competitors to obtain a competitive advantage over Defendants by understanding this technical
13 information.

14 7. The entirety of Exhibit 25 contains highly confidential information relating to
15 Defendant's LiDAR development, including technical information and costs information. This
16 information is highly confidential, and its confidentiality is strictly maintained. Disclosure of this
17 information could allow competitors to acquire detailed and specific knowledge into various
18 elements of Uber's LiDAR development, such that they can tailor their own development and
19 Uber's competitive standing could be significantly harmed.

20 8. Defendants' request to seal is narrowly tailored to the portions of Waymo's
21 Motion and its supporting papers that merit sealing.

22 I declare under penalty of perjury that the foregoing is true and correct. Executed this
23 27th day of October, 2017 at San Francisco, California.

24
25 /s/ Michelle Yang

Michelle Yang

ATTESTATION OF E-FILED SIGNATURE

I, Arturo J. González, am the ECF User whose ID and password are being used to file this Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Michelle Yang has concurred in this filing.

Dated: October 27, 2017

/s/ Arturo J. González

ARTURO J. GONZÁLEZ